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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF  
AMERICA, } Case No. SA 11-330  
Plaintiff, }  
vs. }  
FREDY MENDOZA GUERRA, }  
Defendant. }  
} **ORDER OF DETENTION**

I

A. ( ) On motion of the Government in a case allegedly involving:

1. ( ) a crime of violence.
2. ( ) an offense with maximum sentence of life imprisonment or death.
3. ( ) a narcotics or controlled substance offense with maximum sentence of ten or more years.
4. ( ) any felony - where defendant convicted of two or more prior offenses described above.
5. ( ) any felony that is not otherwise a crime of violence that involves a minor victim, or possession or use of a firearm or destructive

1 device or any other dangerous weapon, or a failure to register under 18  
2 U.S.C. § 2250.

3 B. (X) On motion by the Government/ ( ) on Court's own motion, in a  
4 case allegedly involving:

- 5 1. (x) a serious risk that the defendant will flee.
- 6 2. ( ) a serious risk that the defendant will:
  - 7 a. ( ) obstruct or attempt to obstruct justice.
  - 8 b. ( ) threaten, injure or intimidate a prospective witness or  
9 juror, or attempt to do so.

10 C. The Government ( ) is/ (x) is not entitled to a rebuttable presumption that  
11 no condition or combination of conditions will reasonably assure the  
12 defendant's appearance as required and the safety or any person or the  
13 community.

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## 15 II

16 A. ( ) The Court finds that no condition or combination of conditions  
17 will reasonably assure:

- 18 1. (X) the appearance of the defendant as required.  
19 ( ) and/or
- 20 2. ( ) the safety of any person or the community.

21 B. ( ) The Court finds that the defendant has not rebutted by sufficient  
22 evidence to the contrary the presumption provided by statute.

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## 24 III

25 The Court has considered:

26 A. the nature and circumstances of the offense(s) charged, including  
27 whether the offense is a crime of violence, a Federal crime of terrorism, or  
28 involves a minor victim or a controlled substance, firearm, explosive, or

destructive device;

- B. the weight of evidence against the defendant;
- C. the history and characteristics of the defendant; and
- D. the nature and seriousness of the danger to any person or the community.

IV

The Court also has considered all the evidence adduced at the hearing and the arguments and/or statements of counsel, and the Pretrial Services Report/recommendation.

V

The Court bases the foregoing finding(s) on the following:

A. (X) As to flight risk:

**Defendant is undocumented. He has no ties to the community and no bail resources.**

B. ( ) As to danger:

VI

A. ( ) The Court finds that a serious risk exists the defendant will:

1. ( ) obstruct or attempt to obstruct justice.
2. ( ) attempt to/ ( ) threaten, injure or intimidate a witness or juror.

B. The Court bases the foregoing finding(s) on the following:

B. The Court bases the foregoing finding(s) on the following:

VI

- A. IT IS THEREFORE ORDERED that the defendant be detained prior to trial.
- B. IT IS FURTHER ORDERED that the defendant be committed to the

1 custody of the Attorney General for confinement in a corrections facility  
2 separate, to the extent practicable, from persons awaiting or serving sentences  
3 or being held in custody pending appeal.

4 C. IT IS FURTHER ORDERED that the defendant be afforded reasonable  
5 opportunity for private consultation with counsel.

6 D. IT IS FURTHER ORDERED that, on order of a Court of the United  
7 States or on request of any attorney for the Government, the person in charge  
8 of the corrections facility in which defendant is confined deliver the defendant  
9 to a United States marshal for the purpose of an appearance in connection with  
10 a court proceeding.

11  
12 DATED: July 5, 2011



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14 MARC L. GOLDMAN  
15 UNITED STATES MAGISTRATE JUDGE  
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